

ENTERED

November 08, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

JOSE ANGEL ALVAREZ,
TDCJ #1524956,
Plaintiff,

v.

HENRY I. NIETO,
Defendant.

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CIVIL ACTION NO. V-13-0015

ORDER

In this prisoner civil rights case, Plaintiff Jose Angel Alvarez has appealed this Court's judgment in favor of Defendant. Plaintiff proceeds *pro se* and *in forma pauperis* on appeal. Plaintiff has filed a Motion Requesting a Transcript [Doc. # 151] at government expense. Plaintiff's Motion provides no reason why the transcript is necessary. The Fifth Circuit's docket indicates that appellate briefing was complete as of May 12, 2016.

A district court may authorize a transcript at government expense for persons permitted to appeal *in forma pauperis* if the court "certifies that the appeal is not frivolous (but presents a substantial question)." 28 U.S.C. § 753(f). A prisoner's indigent status, standing alone, is not enough to justify a transcript free of charge. "[T]o succeed on a motion for production of transcripts at government expense, a party must also show why the transcripts are necessary for proper disposition of his appeal." *Norton v. Dimazana*, 122 F.3d 286, 293 (5th Cir. 1997). If the litigant fails

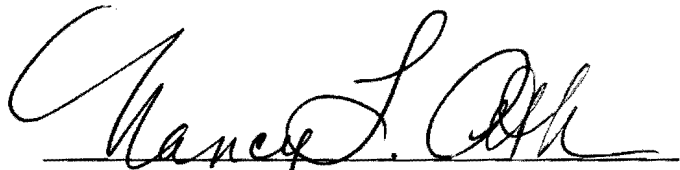
to demonstrate a particular need for a transcript or raise a substantial question, the court may properly deny the request. *Harvey v. Andrisc*, 754 F.2d 569, 571 (5th Cir. 1985).

Because Plaintiff has provided no reason why the transcript is necessary it is hereby

ORDERED that Plaintiff's Motion Requesting a Transcript [Doc. # 151] is **DENIED without prejudice**. The Court will entertain a renewed motion for a transcript from Plaintiff if accompanied by a statement from Plaintiff explaining why the transcript is necessary for his appeal.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, on the 8th day of November, 2016.



NANCY F. ATLAS
SENIOR UNITED STATES DISTRICT JUDGE